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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

1. Applicants' amendments dated 1/17/07 have not been entered because they raise new issues for search and consideration and possibly the issue of new matter as well. For example, removal of the phrase "expressed on the plasma membrane of a cell surface" broadens the claim in such a way that the screening method is no longer limited to screening just carrier-mediated transport proteins expressed on the plasma membrane of a cell surface. Although step (d) mentions this limitation it does not go so far as to state that that carrier-mediated proteins expressed on the plasma membrane of the cell surface have actually been screened. To the contrary, step (d) merely requires that the reporter of a complex while internalized within a cell provide an "indication" that the corresponding compound in said complex function as a substrate for a carrier-mediated transport protein expressed on the plasma membrane of the cell surface. This could occur, for example, when the same carrier-mediated protein is expressed on an internalized membrane bound compartment (e.g., vacuole). In this scenario, the library would be screened against the vacuole membrane (i.e., an internalized membrane bound compartment rather that the plasma membrane) and yet still provide an "indication" that it is also a substrate for the plasma membrane carrier-mediated protein because the two carrier-mediate proteins are identical (i.e., the carrier mediated protein expressed on the vacuole and the carrier mediated protein expressed on the plasma membrane). That is, the "indication" comes from the proteins similarity, not the actual screening mechanism itself. Thus, Applicants' arguments with respect to the 35 U.S.C.§ 112, second paragraph rejections have been

rendered moot because those amendments to which Applicants' arguments refer have not been entered.

2. Applicants' further request for reconsideration under 37 C.F.R. § 1.116 (e.g., 1/17/07 Response, pages 19-21) was full considered but found to be non-persuasive. Applicants argue Cl and the SG do not constitute different compounds because Cl is an element, not a compound and that even if, assuming arguendo, chlorine could be considered a compound; it cannot fairly be interpreted as a separate entity from the CMAC fluorophore. Applicants also state that characterizing the different compounds as CH_2Cl and CH_2SG is inaccurate presumably for the same reason that Cl cannot be separated from the CMAC. In response, it is noted that "Cl" was never considered to be a compound. Only "CH_2Cl" and "CH_2SG" were set forth in the rejection. Thus, Applicants' arguments with respect to "Cl" are moot. In addition, it is respectfully submitted that CH_2Cl and CH_2SG can be considered independent entities within the meaning of Applicants' broad claims. Applicants' claims require that the reporter be "capable" of generating a detectable signal (e.g., see specification, page 4, lines 7-8). Clearly this is the case for the CMAC without the CH_2Cl and CH_2SG. That is, the lone pair of elections from the newly formed amino group presumably donates electrons into the ring system to form the fluorophore. The CH_2Cl portion does not contribute. If it did then the ZFR- 2H-cromen-2-one-CH_2Cl would produce a fluorescent signal. Thus, the CH_2Cl (and CH_2SG) groups constitute structurally (separate from the ring) and

functionally (CH_2Cl doesn't generate fluorescent signal) distinct molecules that are conjugated via a covalent bond to the reporter.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon D Epperson whose telephone number is (571) 272-0808. The examiner can normally be reached Monday-Friday from 9:00 to 5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James (Doug) Schultz can be reached on (571) 272-0763. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

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/Jon D. Epperson/
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